REMARKS

In the final Office Action mailed August 23, 2007, the United States Patent and Trademark Office (hereinafter "Patent Office") rejected Claims 1, 28, and 55 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1, 28, 55, and 59 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-4, 6, 7, 9-16, 18-21, 23-26, 28-31, 33, 34, 36-43, 45-48, 50-53, 55, 59-61, and 64-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of U.S. Patent No. 6,430,624, issued to Jamtgaard et al. (hereinafter "Jamtgaard et al."), and further in view of the teachings of U.S. Patent No. 6,147,977, issued to Thro et al. (hereinafter "Thro et al."). Claims 5, 17, 22, 27, 32, 44, 49, and 54 were rejected in view of the teachings of Jamtgaard et al., Thro et al., and further in view of the teachings of "Adapting Content for VoiceXML" by Didier Martin (*http://web.archive.org/web/20010330041531 /http://www.xml.com/pub/a/2000/08/23/didier/index.html*) (hereinafter "Martin"). Claims 8 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of the teachings of Jamtgaard et al. and Thro et al., and further in view of the teachings of Phone.com, Press Release: "GVC Licenses Phone.com Up.browser Microbrowser for Mobile Phones in Asia Europe."

Without admitting to the propriety of the rejections, applicants have amended to clarify Claims 1-6, 10-12, 17, 20, 28-34, 37-39, 55, 59, 61, 66, 69, and 70. Withdrawal of the rejections of these claims under 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 103(a) is respectfully requested. Particularly, applicants are unable to find, and the Patent Office has failed to show where the cited and applied references, alone much less in combination, teach "determining a target wireless-device type to which a message notification is sent by a first asynchronous process that performs device processing," as recited in Claims 1, 28, 55, 66, 69, 70, and 71, albeit in different manners.

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Regarding the claim rejections under 35 U.S.C. § 112, first paragraph, the Patent Office states that amendments made on November 10, 2005, introduce new matter because under 37 C.F.R. § 1.57(c), because Provisional Patent Application Serial No. 60/282,381, filed April 5, 2001, cannot be incorporated by reference. Applicants respectfully disagree. The Patent Office used the wrong section of the C.F.R. to arrive at an erroneous conclusion. Instead of 37 C.F.R. § 1.57(c), the Patent Office should refer to 37 C.F.R. § 1.57(a), which reads as follows:

> Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).

A review of Provisional Patent Application Serial No. 60/282,381, indicates that the claims are supported by the specification. For example, pages 6, 7, 19, 20, 21, 135, 136, 171, 172, among many other pages of Provisional Patent Application Serial No. 60/282,381, disclose the elements recited by the claims. Therefore, withdrawal of the rejection of Claims 1, 28, and 55 under 35 U.S.C. § 112, first paragraph, is respectfully requested. Because the Patent Office has failed to state a *prima facie* case of obviousness, the rejections should be withdrawn. Claims 1, 28, 55, 66, 69, and 70 are allowable independent claims. Claims 2-27, 29-54, 59-61, 64, 65, 67, and 68 depend from allowable independent claims and because of additional elements recited by those claims. Consequently, reconsideration and allowance of these claims is respectfully requested.

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CONCLUSION

In view of the foregoing amendments and remarks, applicants submit that the above-identified patent application is in condition for allowance. If any questions remain, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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